

From: Greg Cunningham
To: Microsoft ATR
Date: 1/24/02 5:06pm
Subject: Microsoft Settlement

Never I have seen a settlement that seems so out of touch with the findings of fact.

Microsoft was found to be a monopoly, and found to have abused their position as a monopoly to retain their dominance over the PC market. Other instances of similar behavior (Ma Bell) have typically resulted in punishment for the those who broke the written and known law. Microsoft has a problematic attitude of denial towards their guilt and how to remedy their abuse of our business system. Any settlement option should be a instant enforcement, as Microsoft has proven to break and distort consent decrees in the past, so far as to go completely against the intent of the consent decree re Windows 95 bundling.

If something is not done to punish Microsoft for their illegal bullying tactics, they will, and to this day do, continue to use their market dominance to leverage themselves into new monopolies.

Already Microsoft is using it's clout to steal the console games market from Nintendo and Sony. Microsoft has gone so far as to purchase several of the top Games developers for PC games, to deny their products to the market competition. They are further using their massive cash reserves to "sell" these Xbox's at a loss, some have estimated as high as \$100 loss per box. Why can they throw money down the drain like this? Because when they own the market completely, they can make all the money there is to make indefinitely.

If this court does not punish Microsoft much more harshly than the remedies proposed, there will be many dire consequences:

- Microsoft will continue to monopolize more and more market segments. This will ultimately cost consumers much more money, and their freedoms of choice.
- Microsoft (with \$38 billion in cash and monopolies over several major markets such as office suits, OS, Web Browsers etc) appears to be above the law in the current situation, the government does seem to be able to apply pre-defined legal remedies appropriately. As Microsoft grows larger and larger it will become even harder to control and punish for wrong doing, it may become a threat to the democracy and freedom we hold dear in America.
- With a 5-4 court appointed US President already sitting in office, people are loosing faith in the American justice system, Enron's recent events have only added to this feeling. If Microsoft is allowed to abuse other companies, and US constituents so blatantly without recrimination, not only will Microsoft continue business this way, but other business will be forced to practice once illegal business practices to be able to compete. The overall effect will have a massive damaging effect on the economy and our free democratic way of life.
- Further with Microsoft already flouting the same type of shady illegal and unethical business practices currently while under trial, it is reasonable to assume the will only intensify or at least continue these practices after this trial is over. Since Microsoft's actions are illegal under our

present law it is only inevitable that will end up back in court again. Failure to quell Microsoft's stranglehold on the market would historically reflect poorly on this court, as the next jury will ask, "why wasn't this handled sooner?" This would not only beg the question of favoritism, or outright payoffs to the current court, but also ultimately would end up costing the American people much more money to run through this whole circus act again.

I plead with this court and the current administration in control of the DOJ to not risk criminal charges down the road from blatantly and grossly ignoring the facts in favor of Microsoft (the defendant has already been found GUILTY by findings of fact.)

Sincerely,
Gregory Cunningham